

Senate Bill No. 645

CHAPTER 771

An act to add Section 15037.1 to the Unemployment Insurance Code, relating to employment.

[Approved by Governor October 11, 1995. Filed
with Secretary of State October 12, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

SB 645, Johnston. Job training report cards.

Under existing law, the State Job Training Coordinating Council is responsible for oversight of employment and training programs at the state level.

This bill would require the State Job Training Coordinating Council to establish a subcommittee with a specified membership to develop an education and job training report card program to assess the accomplishments of California's work force preparation system. The bill would require the subcommittee or an operating entity under contract to the subcommittee to compile information on the performance of state and federally funded education and training programs, as specified, and to issue annual report cards for all providers of these programs measuring the effectiveness of the individual providers and of the various programs that constitute the state's work force development system. The subcommittee or operating entity would also issue a statewide report card measuring the effectiveness of the entire system of work force preparation. Funding would be made available on a shared basis by the programs the report card program is measuring, to the extent authorized by federal and state law, and the subcommittee or operating entity would have the authority to assess each of the programs with an appropriate share of the report card program costs.

The bill would require that collection and use of social security numbers under the bill be consistent with federal law, and would provide that social security numbers obtained are not public records subject to disclosure under the California Public Records Act. Information obtained could not be sold or distributed without prior consent, as specified. The subcommittee or operating entity would also be prohibited from making public any information that could identify an individual or his or her employer.

The people of the State of California do enact as follows:

SECTION 1. Section 15037.1 is added to the Unemployment Insurance Code, to read:

UNEMPLOYMENT INSURANCE CODE

SECTION 15037.1

15037.1. (a) The state council shall be responsible for developing an education and job training report card program to assess the accomplishments of California's work force preparation system.

(1) A subcommittee of the state council shall be established for this purpose.

(2) The subcommittee shall be comprised of three private sector members of the state council, the director of the department, the Superintendent of Public Instruction, the Chancellor of the California Community Colleges, or their designees, and representatives of programs that are to be measured under the report card program.

(3) The subcommittee shall be responsible for designing and implementing, or contracting with an operating entity for the implementation of, a system that can compile, maintain, and disseminate information on the performance of providers, programs, and the overall work force preparation system.

(b) By January 1, 2001, the subcommittee or an operating entity under contract to the subcommittee shall operate a comprehensive performance-based accountability system that matches the social security numbers of former participants in state education and training programs with information in files of state and federal agencies that maintain employment and educational records and identifies the occupations of those former participants whose social security numbers are found in employment records.

(c) This system shall measure the performance of state and federally funded education and training programs for the purpose of system, program, and instructional improvement. Programs to be measured shall include programs in receipt of funds from the Job Training Partnership Act, the Carl D. Perkins Vocational Education Act, the Job Opportunities and Basic Skills program, the Food Stamp Employment and Training program, the Wagner Peyser Act, the Employment Training Panel, adult education programs as defined by paragraph (9) of subdivision (b) of Section 10521, basic vocational rehabilitation services as defined by Part B of Title 1 of the federal Vocational Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 701 et seq.), vocational education programs, and certificated community college programs.

(d) Job training and education providers receiving funding identified in subdivision (c) shall, to the extent permitted by federal law, request social security numbers from each participant 18 years of age and over and not currently enrolled in high school and participating in a work force preparation program and shall report to the subcommittee or an operating entity under contract to the subcommittee, as the case may be, on participant social security numbers and economic and demographic characteristics, including, but not limited to, age, gender, race or ethnicity, and education achievement. The state council shall establish the acceptable format and timeframes for data submission.

(e) The Superintendent of Public Instruction shall ensure that local education agencies that operate programs specified in subdivision (c) comply with the federal Privacy Act of 1974 by issuing the following notice to all participants in work force preparation programs:

PBA PRIVACY NOTICE AND STUDENT CONSENT FORM

PRIVACY NOTICE AND INFORMATION FOR STUDENTS: The State Job Training Coordinating Council (SJTCC) is gathering information about students to evaluate California's work force training system. The SJTCC is asking for your social security number and other information, as listed below.

If you agree, the school will report the following information: your name; social security number; birth date; gender; ethnicity; date of enrollment and departure from this work force education or training program; the type and amount of training and services received; whether you are economically disadvantaged, disabled, a dislocated worker, a displaced homemaker, or a veteran; whether you are deficient in basic skills or limited in English proficiency; and your education achievement level.

The SJTCC will keep this information on file in its Performance Based Accountability (PBA) System. During the three years after you complete or leave this training program, the SJTCC will gather information related to your enrollment in other education programs, your status in the work force (type of employment, wages earned, unemployment or disability payments received); and enrollment in any welfare program.

All information about you and other students will be summed up by the SJTCC to determine the success of the work force training programs you are enrolled in. You will not be individually identified in any reports made to the public. Other state and federal government agencies that are concerned with the administration of work force development programs may have access to your individual data.

You may decide whether to provide your social security number and release the other information; it is voluntary. If you do not wish to release this information, you can still enroll in work force education and training programs, or in any other education program. Your grades will not be affected. Authority to ask for your social security number for this purpose is in Section 15037.1 of the California Unemployment Insurance Code.

After you have read this form, please mark one of the choices below, then sign and date the form. Return the form to your school as soon as possible. If you would like a copy for your records, please make a copy after you have signed it and before you submit it to your school.

STUDENT CONSENT (Only students who are 18 years of age or older, and not enrolled in high school, should complete and sign this form.)

Name of student (type or print):

☐ YES. I have been informed of the ways my social security number and other information will be used. I have voluntarily decided to provide this information.

My Social Security Number is ____-____-____

☐ NO. I do not want to give my social security number or other information. I have voluntarily decided NOT to provide this information.

Student Signature

Date

June 1998

(f) The Superintendent of Public Instruction may modify the privacy notice set forth in subdivision (e) in order to comply with federal privacy law with prior notice to the Assembly Committee on Labor and Employment and the Senate Committee on Industrial Relations.

(g) The system shall be designed to measure factors such as:

- (1) Amount and source of funding.
- (2) Program entrance and successful completion rates.
- (3) Employment and wage information for one and three years after completion of training.
- (4) The relationship of training to employment.
- (5) Academic achievement for one and three years after completion of training.
- (6) Achievement of industry skill standard certifications, where they exist.

(7) Return on public investment.

(h) Based upon the information compiled pursuant to this section, the subcommittee or an operating entity under contract to the subcommittee, as the case may be, shall, by December 31, 1997, and each December 31 thereafter, do all of the following:

- (1) Prepare and disseminate report cards for all training and education providers in receipt of funds included in the tracking system.
- (2) Prepare and disseminate local and statewide report cards that measure the outcomes of the individual programs that operate as part of the work force development system.
- (3) Prepare and disseminate a state report card that measures the performance of the entire system of work force preparation and the effectiveness of the system in meeting employers' needs for educated and trained workers and the clients' needs for improving their economic well-being.

(i) The state council shall develop objective performance standards emphasizing the principles of continuous improvement for the programs covered under this section, and a system of sanctions and incentives to encourage performance that meet these standards.

(j) The state council shall explore the feasibility of including the following persons in this system:

- (1) Attendees at private postsecondary institutions.
- (2) Recipients of federal student loans.
- (3) Recipients of Pell grants.
- (4) Pupils in grades 11 and 12.
- (5) Students enrolled in any community college, California State University, or University of California program.

(k) The sole purpose of this section is to assess the performance of state and federal employment and training providers and programs

in preparing Californians for the work force. Collection and use of social security numbers pursuant to this section shall be consistent with the requirements of Section 7 of the federal Privacy Act of 1974 (P.L. 93-579) and Section 405(c)(2)(C) of Title 42 of the United States Code. Notwithstanding Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, or any other provision of law, the social security number of any person obtained pursuant to this section is not a public record, and shall not be disclosed except for the purpose of this section. Information obtained pursuant to this section shall not be sold or distributed to any entity without prior consent from the individual, or his or her parent or guardian, with respect to whom the information is gathered.

This subdivision does not prohibit the exchange of information with other governmental departments and agencies, both federal and state, that are concerned with the administration of work force development programs. Neither the subcommittee nor an operating entity under contract to the subcommittee, as the case may be, may make public any information that could identify an individual or his or her employer.

(l) An education and training program that requires information gathered by the education and job training report card program shall use the report card program and shall not initiate automated matching of records in duplication of methods already in place as a result of the report card program.

(m) Funding for the development and maintenance of the education and job training report card program shall be made available on a shared basis by the programs the report card program is measuring, to the extent authorized by federal and state law. The subcommittee, or the operating entity under contract to the subcommittee, shall have the authority to assess each of the programs with an appropriate share of the costs of the report card program. Administrative funds currently used for program followup activities for the identified programs shall be redirected for this purpose, if authorized by federal law.

(n) The state council shall apply for any federal waivers that may be necessary to implement this section.